

70-31-03

RCE/1700

PTO/SB/30 (08-03)

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**Address to:
Mail Stop RCE
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P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/317,409
Filing Date	May 24, 1999
First Named Inventor	Scott D. Lucas
Art Unit	1771
Examiner Name	J. Befumo
Attorney Docket Number	98035-01

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____

b. ☒ Enclosed

- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other **Request for Reconsideration of Board Decision**

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **03-4083**
- i. ☒ RCE fee required under 37 CFR 1.17(e) **11/03/2003 BABRAHA1 00000118 034083 09317409**
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) **01 FC:1801 770.00 DA**
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**Name (Print / Type) **Fran S. Wasserman**Registration No. (Attorney / Agent) **34,273**

Signature

Date **October 30, 2003****CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type) **Ruth J. Olivo**

Signature

Date **October 30, 2003**

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s) **Scott D. Lucas et al.**

Docket No.

98035-01

Serial No.

09/317,409

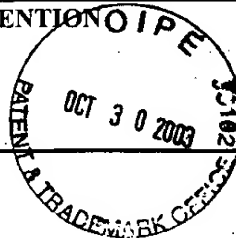
Filing Date

May 24, 1999

Examiner

J. Befumo

Group Art Unit

1771Invention: **PRODUCTS AND METHOD OF CORE CRUSH PREVENTION**

I hereby certify that the following correspondence:

Certificate of Express Mail, Request for Reconsideration of Board Decision on Appeal (2 pages in triplicate) and Request for Continued Examination Transmittal (1 page in duplicate) with Amendment.

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 30, 2003*(Date)*Ruth J. Olivo*(Typed or Printed Name of Person Mailing Correspondence)*

A handwritten signature in cursive script that reads "Ruth J. Olivo".

*(Signature of Person Mailing Correspondence)*EV 050091256 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex Parte SCOTT D. LUCAS
and ROBIN K. MASKELL

Appeal No 2003-1974
Application No.: 09/317,409

REQUEST FOR RECONSIDERATION

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This is a Request for Reconsideration of the September 30, 2003 Decision on Appeal affirming the Examiner's final rejection of Claims 55 and 57-59 under 35 USC §112, first paragraph. Reconsideration is requested in view of the following.

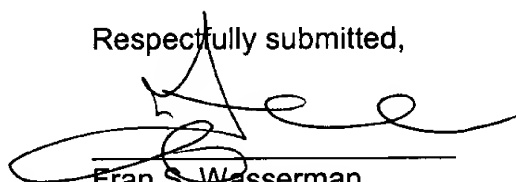
At issue is the phrase "in the absence of a tiedown ply contacting the honeycomb core" and the contention that this limitation in claim 55 is not supported by the present specification. The Board's decision is based on appellant's reliance on discussion in the specification relative to known methods to reduce core crush during autoclave process focusing on preventing the differential movement by either mechanical/physical means as exemplified by ties downs being used to keep the prepreg plies from differentially moving and Corbett's use of tie down plies for both the honeycomb core and the prepreg plies. Essentially, the Board concludes that since Corbett uses a tiedown ply for the honeycomb core that is separate and apart from the one for the prepreg plies, appellants disclosure of a tiedown ply being used to keep the prepreg plies from differentially moving would not be support for a tie down ply that contacts the honeycomb core. Appellants respectfully disagree.

Simply because the configuration in Corbett is one where there are two separate tie down plies for the honeycomb core and for the prepreg plies, respectively, it does not mean that Corbett stands for the overall teaching that in every instance where tie down plies are used these tie down plies will be separate and apart. Moreover, Appellants' claim reads "in the absence of a tie down ply contacting the honeycomb core" so the relevant feature is that the tie down ply contact the honeycomb core, not that it constrain its differential movement. In other

words just because the tie down ply contacts the honeycomb core does not mean that it would not be constraining the differential movement of the prepreg plies which abut the core and which are taught in the present specification.

In view of the foregoing claims 55 and 57-59 are in compliance with 35 USC §112, first paragraph. Reconsideration and reversal of the Board's affirmation of their final rejection thereunder are thus earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Fran S. Wasserman', is written over a horizontal line.

Fran S. Wasserman
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Scott D. Lucas, et al. §

Serial No.: 09/317,409 §

Filed: May 24, 1999 §

For: **PRODUCTS AND METHOD OF
CORE CRUSH PREVENTION** §

Group Art Unit: 1771

Examiner: J. Befumo

October 30, 2003

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Amendment

Claims 55 and 57-59 stand finally rejected after appeal. Filed herewith is a Request for Continued Examination of this application. Please amend claim 55 as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

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APPEALS
SECTION